

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2880**

**Introduced by Assembly Member Chavez**

February 25, 2002

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An act to amend Sections 7583.6, 7583.7, ~~7583.9~~, 7583.15, 7583.20, and 7587.8 of, and to add Section 7583.47 to, the Business and Professions Code, relating to private security services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2880, as amended, Chavez. Private security services.

Existing law provides for the regulation of private security services by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Existing law requires a person who is registered as a security guard to complete certain training requirements. Existing law sets forth specified topics to be covered in the training courses.

The bill would require a registered security guard to complete not less than 32 hours of training within 90 days from the day the registration card is issued, with 16 of those hours to be completed within the first 30 days. The bill would impose other training requirements on a security guard. The bill would require additional topics to be included in the training courses on the power to arrest.

The bill would require a registrant, as a condition of registration renewal, to certify to the bureau that he or she has completed not less than 16 hours of continuing education.

~~Existing law prescribes fees for the registration of security guards and provides that the application fee for a security employee that is paid by the employer may be withheld from the employee's compensation.~~

~~The bill would delete a provision allowing a private patrol operator to withhold the amount of the application fee from the employee's compensation if the operator pays the application fee.~~

Existing law requires the Director of the Department of Consumer Affairs to notify an employer licensee if the director finds that the employee applicant, firearms qualification cardholder, or registrant may present an undue hazard to public safety. Existing law requires the employer licensee to suspend the employee upon notice from the director.

This bill would require the director to immediately notify the employer. The bill would authorize the director to require licensees to provide employment information to the department for *employer* notification purposes.

*The bill would require the department to present a plan in the 2003–04 budget year to implement the act, and would provide for a reasonable transition period to achieve the new standards. The bill would authorize the department to provide for fees necessary for this purpose.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 7583.6 of the Business and Professions
- 2 Code is amended to read:
- 3 7583.6. (a) A person entering the employ of a licensee to
- 4 perform the functions of a security guard or a security patrolperson
- 5 shall complete a course in the exercise of the power to arrest prior
- 6 to being assigned to a duty location.
- 7 (b) A person registered pursuant to this chapter shall complete
- 8 not less than 32 hours of training within 90 days from the day the
- 9 registration card is issued. Sixteen of the 32 hours must be
- 10 completed within 30 days from the day the registration card is
- 11 issued.
- 12 (c) A course provider shall issue a certificate to a security guard
- 13 upon satisfactory completion of a required course, conducted in
- 14 accordance with the department's requirements. A private patrol



operator may provide training programs and courses in addition to the training required in this section.

(d) This section shall not apply to a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has successfully completed a course of study in the exercise of the power of arrest.

SEC. 2. Section 7583.7 of the Business and Professions Code is amended to read:

7583.7. (a) The course of training in the exercise of the power to arrest may be administered, tested, and certified by any licensee. The department may approve any person or school to teach the course in the exercise of the power to arrest. The course of training shall be approximately eight hours in length and shall cover the following topics:

(1) Responsibilities and ethics in citizen arrest.

(2) Relationship between a security guard and a peace officer in making an arrest.

(3) Limitations on security guard power to arrest.

(4) Restrictions on searches and seizures.

(5) Criminal and civil liabilities.

(A) Personal liability.

(B) Employer liability.

(6) First Aid.

(7) Ethics and communications.

(8) Emergency situation response.

(9) Any other topic deemed appropriate by the bureau.

(b) The majority of the course shall be taught by means of verbal instruction. This instruction may include the use of a video presentation.

(c) The department shall make available a guidebook as a standard for teaching the course in the exercise of the power to arrest. The department shall encourage additional training and may provide a training guide recommending additional courses to be taken by security personnel.

(d) Private patrol operators shall provide a copy of the guidebook described in subdivision (c) to each person they currently employ as a security guard and to each individual they intend to hire as a security guard. The private patrol operator shall provide the guidebook to each person he or she intends to hire as

1 a security guard a reasonable time prior to the time the person  
2 begins the course in the exercise of the power to arrest.

3 (e) The bureau may inspect, supervise, or view the  
4 administration of the test at any time and without any prior  
5 notification. Any impropriety in the administration of the course  
6 or the test shall constitute grounds for disciplinary action.

7 ~~SEC. 3.—Section 7583.9 of the Business and Professions Code~~  
8 ~~is amended to read:~~

9 ~~7583.9. (a) Upon accepting employment by a private patrol~~  
10 ~~operator, any employee who performs the function of a security~~  
11 ~~guard or security patrolperson who is not currently registered with~~  
12 ~~the bureau, shall complete an application for registration on a form~~  
13 ~~as prescribed by the director, and obtain two classifiable~~  
14 ~~fingerprint cards for submission to the Department of Justice. The~~  
15 ~~Department of Justice shall forward one classifiable fingerprint~~  
16 ~~card to the Federal Bureau of Investigation for purposes of a~~  
17 ~~background check. The applicant shall submit the application and~~  
18 ~~registration fee to the bureau on or before the same business day~~  
19 ~~that he or she is assigned to work as a security guard or security~~  
20 ~~patrolperson performing any of the functions set forth in~~  
21 ~~subdivision (a) of Section 7582.1. If the applicant is assigned to~~  
22 ~~work on a Saturday, Sunday, or on a federal holiday, the applicant~~  
23 ~~may submit the application and registration fee to the bureau on the~~  
24 ~~first business day immediately following the Saturday, Sunday, or~~  
25 ~~federal holiday. The applicant shall submit the fingerprints to the~~  
26 ~~bureau within three business days after being assigned to work~~  
27 ~~with a temporary registration card.~~

28 ~~(b) The licensee shall maintain supplies of applications and~~  
29 ~~fingerprint cards that shall be provided by the bureau upon request.~~

30 ~~(c) In lieu of classifiable fingerprint cards provided for in this~~  
31 ~~section, the bureau may authorize applicants to submit their~~  
32 ~~fingerprints into an electronic fingerprinting system administered~~  
33 ~~by the Department of Justice. Applicants who submit their~~  
34 ~~fingerprints by electronic means shall have their fingerprints~~  
35 ~~entered into the system through a terminal operated by a law~~  
36 ~~enforcement agency or other facility authorized by the Department~~  
37 ~~of Justice to conduct electronic fingerprinting. The enforcement~~  
38 ~~agency responsible for operating the terminal may charge a fee~~  
39 ~~sufficient to reimburse it for the costs incurred in providing this~~  
40 ~~service.~~

1 ~~(d) Upon receipt of an applicant's electronic fingerprints as~~  
2 ~~provided in this section, the Department of Justice shall determine~~  
3 ~~whether the applicant has been convicted of any crime and forward~~  
4 ~~the information to the bureau.~~

5 ~~(e) The requirement of submission of fingerprint cards to the~~  
6 ~~Federal Bureau of Investigation shall not apply to currently~~  
7 ~~employed, full-time peace officers holding peace officer status~~  
8 ~~under Chapter 4.5 (commencing with Section 830) of Title 3 of~~  
9 ~~Part 2 of the Penal Code, or to level I or level II reserve officers~~  
10 ~~as described in paragraphs (1) and (2) of subdivision (a) of Section~~  
11 ~~832.6 of the Penal Code.~~

12 ~~(f) In addition to the amount authorized pursuant to Section~~  
13 ~~7570.1, the bureau may impose an additional fee not to exceed~~  
14 ~~three dollars (\$3) for processing classifiable fingerprint cards~~  
15 ~~submitted by applicants excluding those submitted into an~~  
16 ~~electronic fingerprint system using electronic fingerprint~~  
17 ~~technology.~~

18 ~~(g) An employee shall, on the first day of employment, display~~  
19 ~~to the client his or her registration card if it is feasible and practical~~  
20 ~~to comply with this disclosure requirement. The employee shall~~  
21 ~~thereafter display to the client his or her registration card upon the~~  
22 ~~request of the client.~~

23 ~~(h) "Submit," as used in subdivision (a), means any of the~~  
24 ~~following:~~

25 ~~(1) To ensure that the application and registration fee have been~~  
26 ~~received by the bureau on or before the business day that the~~  
27 ~~employee is assigned to work.~~

28 ~~(2) To ensure that the application and registration fee either~~  
29 ~~have been mailed to the bureau and officially postmarked with a~~  
30 ~~date on or before the employee is assigned to work or have been~~  
31 ~~deposited with a carrier performing overnight delivery services on~~  
32 ~~or before the business day that the employee is assigned to work.~~

33 ~~(3) To ensure, if the applicant is assigned to work on a Saturday,~~  
34 ~~Sunday, or on a federal holiday, that the application and~~  
35 ~~registration fee either have been mailed to the bureau and officially~~  
36 ~~postmarked with a date on the first business day immediately~~  
37 ~~following that Saturday, Sunday, or federal holiday or have been~~  
38 ~~deposited with a carrier performing overnight delivery services on~~  
39 ~~the first business day immediately following that Saturday,~~  
40 ~~Sunday, or federal holiday.~~

1 ~~SEC. 4.~~

2 *SEC. 3.* Section 7583.15 of the Business and Professions  
3 Code is amended to read:

4 7583.15. If the director determines that continued  
5 employment of an applicant, firearms qualification cardholder, or  
6 registrant, in his or her current capacity, may present an undue  
7 hazard to the public safety, the director shall immediately notify  
8 the employing licensee, who shall suspend the applicant, firearms  
9 qualification cardholder, or registrant from employment in that  
10 capacity.

11 A registrant, firearms qualification cardholder, or applicant may  
12 request a review by the Private Security Disciplinary Review  
13 Committee as set forth in Section 7581.3 to appeal the suspension.

14 ~~SEC. 5.~~

15 *SEC. 4.* Section 7583.20 of the Business and Professions  
16 Code is amended to read:

17 7583.20. (a) A registration issued under this chapter expires  
18 two years following the date of issuance or on the assigned renewal  
19 date. Every security guard issued a registration under this chapter  
20 that expires on or after January 1, 1997, and who is also issued or  
21 renews a firearms qualification card on or after January 1, 1997,  
22 shall be placed on a cyclical renewal so that the registration expires  
23 on the expiration date of the firearms qualification card.  
24 Notwithstanding any other provision of law, the bureau is  
25 authorized to extend or shorten the first term of registration  
26 following January 1, 1997, and to prorate the required registration  
27 fee in order to implement this cyclical renewal. At least 60 days  
28 prior to the expiration, a registrant seeking to renew a guard  
29 registration shall forward to the bureau a completed registration  
30 renewal application and the renewal fee. The renewal application  
31 shall be on a form prescribed by the director, dated and signed by  
32 the applicant, certifying under penalty of perjury that the  
33 information in the application is true and correct.

34 (b) The licensee shall provide to any employee information  
35 regarding procedures for renewal or registration.

36 (c) In the event a registrant fails to request a renewal of his or  
37 her registration as provided for in this chapter, the registration shall  
38 expire as indicated on the registration. If the registration is  
39 renewed within 60 days after its expiration, the registrant, as a

1 condition precedent to renewal, shall pay the renewal fee and the  
2 delinquency fee.

3 (d) The delinquency fee is 50 percent of the renewal fee in  
4 effect on the date of expiration, but not less than twenty-five  
5 dollars (\$25).

6 (e) If the renewed registration card has not been delivered to the  
7 registrant prior to the expiration of the prior registration, the  
8 registrant may present evidence of renewal to substantiate  
9 continued registration for a period not to exceed 90 days after the  
10 date of expiration.

11 (f) A registration may not be renewed or reinstated unless a  
12 registrant meets both of the following requirements:

13 (1) All fines assessed pursuant to Section 7587.7 and not  
14 resolved in accordance with the provisions of that section have  
15 been paid.

16 (2) The registrant certifies, on a form prescribed by the bureau,  
17 that he or she has completed not less than 16 hours of approved  
18 continuing education.

19 ~~SEC. 6.~~

20 *SEC. 5.* Section 7587.8 of the Business and Professions Code  
21 is amended to read:

22 7587.8. The director may assess fines for the following acts  
23 pursuant to Article 4 (commencing with Section 7583) only as  
24 follows:

25 (a) Violation of subdivisions (a), (b), and (c) of Section 7583.2;  
26 one hundred dollars (\$100) per violation.

27 (b) Violation of subdivisions (h) and (i) of Section 7583.2; one  
28 hundred dollars (\$100) for the first violation and two hundred fifty  
29 dollars (\$250) per violation for each violation thereafter.

30 (c) Violation of subdivision (d) of Section 7583.2; one hundred  
31 dollars (\$100) per violation.

32 (d) Violation of subdivision (g) of Section 7583.2; five  
33 hundred dollars (\$500) for the first violation and one thousand five  
34 hundred dollars (\$1,500) per violation for each violation  
35 thereafter.

36 (e) Violation of subdivision (f) of Section 7583.2; two  
37 thousand five hundred dollars (\$2,500) per violation,  
38 notwithstanding any other provision of law.

1 The assessment of a fine pursuant to this section shall not in any  
2 way affect the authority of the director to deny, suspend, or revoke  
3 a license pursuant to subdivision (b) of Section 7587.1.

4 ~~SEC. 7.~~

5 SEC. 6. Section 7583.47 is added to the Business and  
6 Professions Code, to read:

7 7583.47. The director may require licensees to provide the  
8 department with any employment information necessary to satisfy  
9 the employer notification requirements of Sections 7583.15 and  
10 7583.21.

11 SEC. 7. *The Department of Consumer Affairs shall present to*  
12 *the Senate and Assembly budget committees a plan for*  
13 *implementation of this act during the 2003–04 budget year. This*  
14 *plan shall provide for a reasonable period of transition for licensed*  
15 *security officers to achieve the standards established by this act,*  
16 *taking into account the need to maintain continuity of private*  
17 *security services for California residents and businesses, and may*  
18 *provide for fees necessary for this purpose.*

